

Message

From: Pero, Haley (Sanders) [Haley_Pero@sanders.senate.gov]
Sent: 7/15/2015 2:34:41 PM
To: Brown, Rudy [Brown.Rudy@epa.gov]; Berry, Tom (Leahy) [Tom_Berry@leahy.senate.gov]; George Twigg (george.twigg@mail.house.gov) [george.twigg@mail.house.gov]
Subject: RE: Swan Valley Cheese of Vermont

Thanks for the update, Rudy.

From: Brown, Rudy [mailto:Brown.Rudy@epa.gov]
Sent: Wednesday, July 15, 2015 10:33 AM
To: Berry, Tom (Leahy); Pero, Haley (Sanders); George Twigg (george.twigg@mail.house.gov)
Subject: Swan Valley Cheese of Vermont

Tom, Haley, George,

This is to update you on the Swan Valley Cheese of Vermont ("Swan Valley") matter. As you know, on May 13, 2015, EPA sent a letter to the company regarding the state of its ammonia refrigeration system and providing advance warning that EPA planned to issue an order requiring compliance with Section 112(r) of the Clean Air Act. That letter also provided advance notice about the actions that a compliance order would likely require.

Subsequently, EPA had several conversations with officials from Swan Valley and Lotito Foods (Swan Valley's parent company), about compliance. They hired a refrigeration design contractor to examine the refrigeration system, complete some of the preliminary work required to fix and/or replace the system, and develop a work proposal. The contractor subsequently visited the facility and recommended replacing the system. Also, in June, EPA agreed to provide a penalty range so that, in obtaining financing for a new system, Swan Valley would know roughly what its total costs would be. EPA worked on the penalty but still need some factual information from Swan Valley to complete the calculation.

Meanwhile, EPA is moving forward with its plans to issue a compliance order. Yesterday, EPA sent Swan Valley and Lotito Foods a draft Notice of Violation and Administrative Compliance Order. The company will have two weeks to provide feedback to EPA regarding the order's factual accuracy and proposed deadlines. Then, by the end of July, EPA plans to issue the order.

I will send you a copy of the signed order via e-mail once EPA issues it.